

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 29, 2012**

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – McGeachin, Smith(24)l. Total – 2.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Megan Fox, Page.

Approval of Journal

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eightieth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

March 28, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1256](#), as amended in the House, [S 1390](#), as amended, [S 1395](#), [S 1406](#), [S 1407](#), [S 1409](#), [S 1410](#), and [S 1408](#) and, when so signed, ordered them returned to the Senate.

March 28, 2012

Mr. Speaker:

I return herewith [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) which have passed the Senate.

NOVAK, Secretary

[H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 684](#), [H 686](#), [H 685](#), [H 672](#), and [H 653](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 684](#), [H 686](#), [H 685](#), [H 672](#), and [H 653](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 458](#), [H 682](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 564](#), as amended, as amended in the Senate, [H 439](#), as amended, as amended in the Senate, [H 631](#), as amended, [H 443](#), [H 479](#), as amended, [H 577](#), [H 599](#), [H 414](#), [H 651](#), and [H 485](#), as amended, to the Governor at 2:20 p.m., as of this date, March 28, 2012.

WILLS, Chairman

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 47](#) and [HJM 14](#) to the Secretary of State at 2:22 p.m., as of this date, March 28, 2012.

WILLS, Chairman

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 699

BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO AN OFFICE OF UTILITY CONSUMER ADVOCATE; AMENDING TITLE 48, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 48, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO CREATE THE OFFICE OF UTILITY CONSUMER ADVOCATE WITHIN THE OFFICE OF THE ATTORNEY GENERAL, TO PROVIDE APPOINTMENT AND TO PROVIDE POWERS AND DUTIES, TO CREATE THE UTILITY RATEPAYER ADVISORY COMMITTEE, TO PROVIDE POWERS AND DUTIES OF THE OFFICE, TO PROVIDE POWERS OF THE COMMITTEE, TO ESTABLISH DUTIES OF CERTAIN PUBLIC UTILITIES TO PROVIDE DOCUMENTS AND TO PROVIDE FOR FINANCING OF THE OFFICE.

HOUSE BILL NO. 700

BY WAYS AND MEANS COMMITTEE AN ACT

RELATING TO FOOD; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE IDAHO FOOD FREEDOM ACT, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A PURPOSE, TO PROVIDE FOR EXEMPTION FROM LICENSING, CERTIFICATION AND INSPECTION FOR CERTAIN TRANSACTIONS, TO PROVIDE REQUIREMENTS RELATING TO TRANSACTIONS, TO PROHIBIT

CERTAIN SALES OR USE IN COMMERCIAL FOOD ESTABLISHMENTS, TO PROVIDE FOR CONSTRUCTION OF SPECIFIED LAW, TO REQUIRE FOOD PROTECTION MANAGER CERTIFICATES AND TO PROVIDE FOR LABELING; AMENDING SECTION 22-703A, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SPECIFIED PROVISIONS OF LAW RELATING TO ONIONS FOR THE SALE OF CERTAIN FARM PRODUCTS; AMENDING SECTIONS 22-1102 AND 22-1204, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 22-1207, IDAHO CODE, TO PROVIDE THAT THE IDAHO POTATO COMMISSION MAY PROVIDE ALTERNATE AGREEMENTS FOR PERSONS WHO SELL POTATOES ONLY TO INFORMED END-CONSUMERS FOR PRIVATE USE OR WHO SELL AT FARMERS MARKETS; AND AMENDING SECTIONS 22-2502, 22-2914, 22-3103, 22-3503, 22-3603, 22-3703 AND 37-1520, IDAHO CODE, TO REVISE DEFINITIONS.

H 699 and **H 700** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 698 and **H 670**, as amended, by Education Committee, were read the second time by title and filed for third reading.

H 477, as amended, by Local Government Committee, was read the second time by title and filed for third reading.

S 1415 and **S 1416**, by Finance Committee, were read the second time by title and filed for third reading.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **S 1415** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1415** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1415** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall **S 1415** pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Mr. Speaker. Total – 61.

NAYS – Barbieri, McMillan, Nielsen, Wood(35). Total – 4.

Absent and excused – Jaquet, McGeachin, Roberts, Smith(24), Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that **S 1415** passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of **H 477**, as amended, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 477**, as amended, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 477**, as amended, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Schaefer and Mr. Luker to open debate.

The question being, "Shall [H 477](#), as amended, pass?"

Roll call resulted as follows:

AYES – Barbieri, Barrett, Bateman, Bayer, Black, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Hagedorn, Hart, Harwood, Higgins, Killen, King, Loertscher, Luker, McMillan, Moyle, Nielsen, Palmer, Perry, Ringo, Schaefer, Shepherd, Simpson, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 36.

NAYS – Anderson, Andrus, Batt, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Eskridge, Gibbs, Guthrie, Hartgen, Henderson, Lacey, Lake, Marriott, Nessel, Nonini, Patrick, Pence, Raybould, Rusche, Shirley, Sims, Smith(30), Stevenson, Wills, Wood(27). Total – 29.

Absent and excused – Jaquet, McGeachin, Roberts, Smith(24), Trail. Total – 5.

Total – 70.

Whereupon the Speaker declared that [H 477](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [S 1416](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [S 1416](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [S 1416](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall [S 1416](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Harwood, Henderson, Jaquet, Killen, King, Lacey,

Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Burgoyne, Hartgen, Higgins, McGeachin, Ringo, Roberts, Smith(24), Trail. Total – 8.

Total – 70.

Whereupon the Speaker declared that [S 1416](#) passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Bedke asked unanimous consent that the House recess until 1 p.m.

Without objection, the Speaker declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., the Speaker in the Chair.

Prior to recess, the House was at the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 698](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 698](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Killen, King, Lacey, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Vander Woude, Wood(27), Wood(35), Mr. Speaker. Total – 62.

NAYS – None.

Absent and excused – Higgins, Jaquet, Lake, McGeachin, Roberts, Smith(24), Trail, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 698](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

The question being, "Shall [H 698](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Killen, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker.
Total – 59.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Jaquet, King, Ringo, Rusche, Smith(30). Total – 9.

Absent and excused – McGeachin, Smith(24). Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 698](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 701
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO THE JUDGES' RETIREMENT FUND;
AND APPROPRIATING ADDITIONAL MONEYS TO THE
SUPREME COURT FOR FISCAL YEAR 2013.

**HOUSE BILL NO. 702
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO APPROPRIATIONS AND TRANSFERS
OF MONEYS; APPROPRIATING AND TRANSFERRING
MONEYS FROM THE GENERAL FUND TO THE
DISASTER EMERGENCY FUND FOR FISCAL YEAR 2012;
APPROPRIATING AND TRANSFERRING MONEYS FROM
THE GENERAL FUND TO THE PUBLIC EDUCATION
STABILIZATION FUND FOR FISCAL YEAR 2012;
APPROPRIATING AND TRANSFERRING EXCESS FISCAL
YEAR 2012 YEAR-END MONEYS FROM THE GENERAL
FUND TO THE BUDGET STABILIZATION FUND; AND
DECLARING AN EMERGENCY.

**HOUSE BILL NO. 703
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO THE NATIONAL MORTGAGE
SETTLEMENT AGREEMENT; APPROPRIATING AND
TRANSFERRING MONEYS FROM THE GENERAL
FUND TO THE CONSUMER PROTECTION FUND FOR
FISCAL YEARS 2012-13; APPROPRIATING ADDITIONAL
MONEYS TO THE ATTORNEY GENERAL FOR FISCAL
YEARS 2012-13; APPROPRIATING MONEYS TO THE
ATTORNEY GENERAL FOR DISTRIBUTION TO THE
IDAHO STATE BAR'S VOLUNTEER LEGAL PROGRAM
FOR FISCAL YEARS 2012-13; APPROPRIATING MONEYS
TO THE ATTORNEY GENERAL FOR DISTRIBUTION
TO IDAHO LEGAL AID SERVICES FOR FISCAL
YEARS 2012-13; APPROPRIATING MONEYS TO THE
ATTORNEY GENERAL FOR DISTRIBUTION TO OTHER
GOVERNMENTAL ENTITIES OR ORGANIZATIONS AS
DETERMINED BY THE ATTORNEY GENERAL FOR

FISCAL YEARS 2012-13; APPROPRIATING MONEYS TO
THE ATTORNEY GENERAL FOR DISTRIBUTION TO THE
COMMUNITY ACTION PARTNERSHIP ASSOCIATION OF
IDAHO FOR FISCAL YEARS 2012-13; AND DECLARING
AN EMERGENCY.

[H 701](#), [H 702](#), and [H 703](#) were introduced, read the first time
by title, and referred to the Judiciary, Rules, and Administration
Committee for printing.

There being no objection, the House returned to the Fourth
Order of Business.

**Consideration of Messages from the
Governor and the Senate**

OFFICE OF THE GOVERNOR
Boise

March 29, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and
am transmitting to the Secretary of State the following House
bills, to wit:

[H 386](#), as amended, [H 491](#), as amended, [H 497](#), as amended in the
Senate, [H 502](#), as amended, [H 522](#), as amended, [H 549](#), [H 550](#),
[H 569](#), [H 570](#), [H 582](#), [H 590](#), [H 604](#), and [H 609](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 29, 2012

Mr. Speaker:

I return herewith enrolled [H 677](#), [H 678](#), [H 679](#), [H 680](#),
[H 681](#), [H 611](#), [H 661](#), [H 624](#), [H 649](#), [H 372](#), [H 575](#), [H 684](#),
[H 686](#), [H 685](#), [H 672](#), and [H 653](#) which have been signed by the
President.

NOVAK, Secretary

Enrolled [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 611](#), [H 661](#),
[H 624](#), [H 649](#), [H 372](#), [H 575](#), [H 684](#), [H 686](#), [H 685](#), [H 672](#), and
[H 653](#) were referred to the Judiciary, Rules, and Administration
Committee for delivery to the Governor.

March 29, 2012

Mr. Speaker:

I return herewith enrolled [HJR 2](#), as amended, which has
been signed by the President.

NOVAK, Secretary

Enrolled [HJR 2](#), as amended, was referred to the Judiciary,
Rules, and Administration Committee for delivery to the
Secretary of State.

March 29, 2012

Mr. Speaker:

I return herewith [H 693](#), [H 697](#), and [H 660](#) which have
passed the Senate.

NOVAK, Secretary

[H 693](#), [H 697](#), and [H 660](#) were referred to the Judiciary,
Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 699](#), [H 700](#), [H 701](#), [H 702](#), and [H 703](#).

WILLS, Chairman

[H 699](#) and [H 700](#) were referred to the Ways and Means Committee.

[H 701](#), [H 702](#), and [H 703](#) were filed for second reading.

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 701](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 701](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Harwood, Killen, McGeachin, Nonini, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 701](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 701](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Luker, Marriott, Moyle, Nessel, Nielsen, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shirley, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35). Total – 54.

NAYS – Barbieri, Barrett, Boyle, Harwood, Loertscher, McMillan, Palmer, Schaefer, Shepherd, Simpson, Sims, Mr. Speaker. Total – 12.

Absent and excused – Killen, McGeachin, Nonini, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 701](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 702](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 702](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Harwood, Killen, McGeachin, Nonini, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 702](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall [H 702](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims,

Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Rusche. Total – 1.

Absent and excused – Killen, McGeachin, Nonini, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 702](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 703](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 703](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon, Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McMillan, Moyle, Nessel, Nielsen, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – None.

Absent and excused – Harwood, Killen, McGeachin, Nonini, Smith(24). Total – 5.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 703](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

Pursuant to Rule 38(3), Mr. Simpson disclosed a conflict of interest regarding [H 703](#).

The question being, "Shall [H 703](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bateman, Bayer, Bell, Bilbao, Black, Block, Bolz, Buckner-Webb, Chadderdon, Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, Nessel, Nielsen, Nonini, Patrick, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Simpson, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 51.

NAYS – Barbieri, Barrett, Batt, Bedke, Boyle, Burgoyne, Chew, Cronin, Hart, Harwood, McMillan, Moyle, Palmer, Roberts, Schaefer, Shepherd. Total – 16.

Absent and excused – Killen, McGeachin, Smith(24). Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 703](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Nonini asked unanimous consent that [H 670](#), as amended, be returned to the Education Committee. There being no objection, it was so ordered.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that [SCR 116](#) retain its place on the Third Reading Calendar. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle asked unanimous consent that committees be appointed by the Speaker to notify the Governor and the Senate that the House is ready to adjourn Sine Die. There being no objection, it was so ordered.

The Speaker appointed Representatives Black, Stevenson, and Jaquet to notify the Governor and Representatives Schaefer, Lake, and Killen to notify the Senate. The committees were excused.

The committee appointed to notify the Governor reported that it had delivered the message to the Governor. The committee was thanked and discharged by the Speaker.

The committee appointed to notify the Senate reported that they had delivered the message to the Senate. The committee was thanked and discharged by the Speaker.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the Second Regular Session of the Sixty-first Legislature adjourn Sine Die. Seconded by Mr. Rusche.

Whereupon the Speaker declared the motion carried and the Second Regular Session of the Sixty-first Legislature adjourned Sine Die at 2:56 p.m., Thursday, March 29, 2012.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

The following actions were recorded after House Sine Die:

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 611](#), [H 661](#), [H 624](#), [H 649](#), [H 372](#), [H 575](#), [H 684](#), [H 686](#), [H 685](#), [H 672](#), and [H 653](#) to the Governor at 1:50 p.m., as of this date, March 29, 2012.

WILLS, Chairman

March 29, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HJR 2](#), as amended, to the Secretary of State at 1:56 p.m., as of this date, March 29, 2012.

WILLS, Chairman

THE OFFICE OF THE GOVERNOR
Boise

March 29, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following bill:

[H 519](#)

which, after notifying Secretary Yursa of a potential conflict of interest, I allowed to become law without my signature within the time limited by law. A copy of that letter is attached for your convenience.

I am supportive of the intent of this legislation. I believe this is sound policy and will be good for economic development in Idaho. I also am aware of potential challenges involved in rulemaking at the Idaho Tax Commission pursuant to the adoption of this legislation.

Moreover, I have heard about possible unintended consequences associated with the passage of this bill. I have discussed these concerns with the involved parties and I believe the rulemaking process can proceed to a satisfactory conclusion within the bounds of the new statute. However, if unintended consequences materialize then I am amenable to reevaluating this area of code and rulemaking to make sure the spirit and intent of the law is fairly and effectively achieved.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
Boise

March 29, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I hereby advise you that I have transmitted today to the Secretary of State the following House Bill, which was allowed to become law without my signature:

[H 376](#)

as prescribed by the Constitution.

I support tort reform, and I both encourage and applaud legislative efforts to address it. However, I am concerned about the retroactive nature of this proposed solution and its public policy applicability beyond the case at hand.

I welcome discussions with the Legislature on a more comprehensive approach to addressing tort reform. However,

H 376 sets the troubling precedent of reaching back to the 1970s to address liability exposure with only a tenuous connection to Idaho. It also seems to me to be written too narrowly and tailored too specifically to the issue prompting this legislation - a practice we seek assiduously to avoid.

I have no doubt about the worthiness of the effort or the validity of the public policy declaration H 376 seeks to make. My concern is rather with the manner in which the issue is addressed.

I am confident that, working together, we can do better when confronted with an issue so critical to our economic well-being while also ensuring our citizens' rights to protection under the law.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 29, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1386](#), [S 1412](#), [S 1413](#), [S 1414](#), [S 1357](#), as amended, and [S 1348](#), as amended, and, when so signed, ordered them returned to the Senate.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 693](#), [H 697](#), and [H 660](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 693](#), [H 697](#), and [H 660](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 29, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1303](#), as amended in the House, [S 1415](#), and [S 1416](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1303](#), as amended in the House, [S 1415](#), and [S 1416](#) and, when so signed, ordered them returned to the Senate.

March 30, 2012

Mr. Speaker:

I return herewith enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 29, 2012

Mr. Speaker:

I return herewith [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) which have passed the Senate.

NOVAK, Secretary

[H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 30, 2012

Mr. Speaker:

I return herewith enrolled [H 693](#), [H 697](#), and [H 660](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 693](#), [H 697](#), and [H 660](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 695](#), [H 696](#), [H 639](#), as amended, [H 687](#), and [H 691](#) to the Governor at 10:30 a.m., as of this date, March 30, 2012.

WILLS, Chairman

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 693](#), [H 697](#), and [H 660](#) to the Governor at 10:30 a.m., as of this date, March 30, 2012.

WILLS, Chairman

OFFICE OF THE GOVERNOR
Boise

March 30, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 693](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 30, 2012

Mr. Speaker:

I return herewith enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) which have been signed by the President.

NOVAK, Secretary

Enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 30, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 701](#), [H 702](#), [H 703](#), [H 563](#), [H 662](#), and [H 698](#) to the Governor at 2:04 p.m., as of this date, March 30, 2012.

WILLS, Chairman

OFFICE OF THE GOVERNOR
Boise

April 3, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 368](#), as amended, [H 372](#), [H 426](#), as amended in the Senate, [H 439](#), as amended, as amended in the Senate, [H 443](#), [H 452](#), [H 458](#), [H 485](#), as amended, [H 487](#), [H 494](#), [H 515](#), as amended, [H 518](#), [H 539](#), [H 551](#), [H 553](#), [H 564](#), as amended, as amended in the Senate, [H 572](#), [H 576](#), [H 577](#), [H 584](#), as amended, [H 591](#), [H 599](#), [H 607](#), [H 608](#), [H 613](#), [H 626](#), [H 633](#), [H 634](#), [H 635](#), [H 645](#), [H 648](#), [H 649](#), [H 653](#), [H 654](#), [H 655](#), [H 657](#), [H 658](#), [H 659](#), [H 661](#), [H 662](#), [H 664](#), [H 665](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), [H 682](#), [H 684](#), [H 686](#), [H 696](#), and [H 698](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

April 3, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bill, to wit:

[H 632](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

April 5, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 414](#), [H 479](#), as amended, [H 536](#), [H 563](#), [H 575](#), [H 583](#), [H 593](#), [H 619](#), as amended, [H 624](#), [H 631](#), as amended, [H 639](#), as

amended, [H 651](#), [H 660](#), [H 672](#), [H 685](#), [H 687](#), [H 691](#), [H 695](#),
[H 701](#), [H 702](#), and [H 703](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

OFFICE OF THE GOVERNOR
Boise

April 5, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and
am transmitting to the Secretary of State the following House bill,
to wit:

[H 697](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
Boise

April 5, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today
to the Secretary of State the following House bill which will be
allowed to become law without my signature within the time
limited by law:

[H 603](#)

as prescribed by the Constitution.

While I am sensitive to local school districts' need for
some level of budgetary certainty through a guaranteed minimal
funding level from year to year - in this case 97 percent of the
previous year's funding - I am uncomfortable with the notion
of distributing limited resources not only to a student's current
school, but also to their previous school.

The maturation of the Statewide Longitudinal Data System
enables us to track the movements of our student population in
what approaches a real-time manner. This unprecedented ability,
along with additional tools provided to local trustees to more fully
manage their resources, makes it more important than ever that
State funding should follow the student. Rather than providing a
percentage of funding to districts for students who simply are no
longer there, we should continue examining ways to better link
Average Daily Attendance to the presence of the student in their
current district.

I look forward to continuing our "Students Come First"
efforts to ensure Idaho's public schools are world-class models
of efficiency and excellence. That may include revisiting this
law during the Legislature's 2013 session.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
Boise

April 10, 2012

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today
to the Secretary of State the following House bill which will be
allowed to become law without my signature within the time
limited by law:

[H 611](#)

as prescribed by the Constitution.

I support the intent of this legislation. However, concerns
have been raised that the scope of this legislation goes beyond
the intent "to provide for an alternative method of selling boarded
horses when the owners do not pay." The legislation is not limited
to horses but provides for public auction of "livestock of any
kind". This broad language has raised concerns from owners of
livestock auction yards.

I look forward to working with all parties in resolving
these concerns during the 1st Regular Session of the 62nd Idaho
Legislature.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

CERTIFICATE

WE, LAWRENCE DENNEY, Speaker of the House of
Representatives, and BONNIE ALEXANDER, Chief Clerk, do
hereby certify and attest as follows:

That we have carefully compiled in the House Journal of
the Second Regular Session of the Sixty-first Legislature all of
the proceedings of the Eighty-first Legislative Day, and that the
said Journal contains a full, true, and correct record of all of the
proceedings of said House of Representatives for said day and
final action upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hands,
this 11th day of April, 2012.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk